THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.4687 OF 2006

Dt.10.3.2006

Between:

Gurulla Saranappa and others … Petitioners

And

The Asst.Director, Survey and Land Records,

Mahaboobnagar, Mahaboobnagar District and

2 others. … Respondents

ORDER:

Petitioners seek writ of mandamus declaring the proposed action of survey as per notice file No.A3/1273/2005 dt.29.12.2005 issued by the 2nd respondent and not even responding to the legal notice dt.4.1.2006 got issued by petitioners as illegal and arbitrary and consequently to set aside the same with a direction to the respondents not to interfere with the petitioners' land total admeasuring Ac.8.19 Gts., in Sy.No.227/1 of Kondurg Village, Mahaboobnagar District and not to carry out any survey/measuring activities in the said land.

The case of the petitioners is that on an application filed by the 3rd respondent before the Deputy Inspector, Survey and Land Records,

Mahaboobnagar, the 2nd respondent issued a notice dated 29.12.2005 informing that he would propose to survey the land in Sy.No.227/1 situated at Kondurg Village and Mandal, Mahaboobnagar District, on 3.1.2006 at 10.00 a.m., and accordingly directed the 3rd respondent to be present along with pattadar pass books and other records. It is stated that having coming to know about the said survey the brother of the petitioners – G.P.Shiva Kumar filed representation dated 29.12.2005 on behalf of the petitioners objecting for the said survey on the ground that W.P.No.9521 of 2003 has been filed questioning the action of the District Collector, Mahaboobnagar District, vide Lr.No.D.Dis/2949/2002 dt.31.5.2002 which is pending and till the disposal of the said writ petition it may not be just and proper to survey the said land. It is stated that legal notice dt.4.1.2006 was also got issued to the first respondent objecting for the said survey.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue on behalf of respondents 1 and 2.

I am unable to understand what is the objection of the petitioners for survey of the said land on the application filed by the 3rd respondent in accordance with law. If the petitioners and their brother Shiva Kumar claim any right and title in respect of the said land in Sy.No.227/1, it is always open for them to produce relevant records and participate in the proceedings at the time of survey. The survey of the said land would be conducted based on the revenue records produced by the 3rd respondent, petitioners and others. If anybody is aggrieved by the measurements recorded in the survey plan, it is always open for them to question the same in accordance with law.

In view of the aforesaid facts and circumstances of the case, I am not inclined to declare the action of the 2nd respondent to survey the said land as illegal and without jurisdiction.

The writ petition is accordingly dismissed. No order as to costs.

(V.ESWARAIAH, J.)

10.3.2006

kpr